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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>8/9/2010</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-6 and 16-27* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-6 and 16-27* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail. Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in regard to the most recent papers filed on 8/9/2010.

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

7/9/2010 has been entered.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-6 and 16-27 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 3-5, 16-18, and 22-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Day, Rosenberg and Sugano in RFC 2778, "A Model for Presence

and Instant Messaging" from February 2000, hereafter referred to as "RFC2778" in view

of Liscano et al. in US 7,516,210, hereafter referred to as "Liscano."

6.   With regard to claim 1, RFC2778 discloses a method for coordinating

telecommunication services provided to a plurality of users via at least one

communications terminal connected to at least one telecommunications network,

wherein a service mediation server coordinates processing operations performed by the

telecommunication services on behalf of the user, the method comprising:

        connecting the telecommunication services to the service mediation server;

        specifying, by each of the telecommunications services, at least one event of

which the telecommunications service is to be notified by the service mediation server

and at least one event which the telecommunications service is capable of transmitting

to the service mediation server (RFC2778: Page 3, Figure 1 and Page 1, section 1. The

Watchers can subscribe to be informed of the presence of a presentity. The action of

subscribing specifies that the watcher wishes to be informed of any changes in state. It

is noted that the instant language, as currently presented, does nor require that the

events are different events, and only requires that the events are specified, but does not

require that any information is provided concerning the capability of transmitting by the

telecommunications services. Rather, the event has to be one which the

telecommunications service is capable of transmitting to the service mediation server.

Further, there is no requirement as to what constitutes an "event." For example, an

event could simply be sending the information to the server, or could the event could be

information pertaining to the user (such as the user has come online.).),

connecting the at least one telecommunications terminal a user to the service

mediation server (RFC2778: Page 4. The presentity connects to the presence server.);

defining, via the at least one telecommunications terminal, at least one user

profile, the at least one user profile, the at least one user profile comprising a record of

data concerning the user (RFC2778: Page 6), the data including at least a list of

telecommunications services to which the user has subscribed from among a plurality of

available telecommunications services to which the user has subscribed from among a

plurality of available telecommunications services (RFC2778: Page 2, section 2, Page

5, Section 2.4, and Page 6. The user provides the presence information according to

section 2. According to section 2.4, the presence information includes an "arbitrary

number of elements, called PRESENCE TUPLES." Each presence tuple includes

"COMMUNICATION MEANS," where the one that is focused on in RFC2778 is

"INSTANT MESSAGE SERVICE," meaning that the communication means refers to a

service. Thus, the presence information provides a list of services "COMMUNICATION

MEANS," where the list of services is of an arbitrary amount (As there is an arbitrary

number of presence tuples. It is noted that the instant claim includes the language

"from among a plurality of available telecommunications services. However, there is no

requirement as to how these are selected, or that the list only includes the available

services. Applicant should provide more detail as to how the list is selected.), and at

least one availability mode corresponding to an activity of the user (RFC2778: Page 5,

section 2.4, and Page 6. The user provides the status information to the presence

server, where the status corresponds to an activity.);

transmitting, from the telecommunications terminals to the server mediation server, the at least one user profile including an availability mode (RFC2778: Page 6. The presence tuples each include a status.);

storing the at least one user profile in a database of the mediation server (RFC2778: Page 2, section 2.1. The presence information is to be stored.)

selecting, via the at least one telecommunications terminal of the user, one of the at least one user profile and an availability mode stored in the database as an active user profile and availability mode (RFC2778: page 5, section 2.4. The presence information, which constitutes a "user profile" is sent to the presence server. As this is the user profile, this is selected to be activated. It is noted that the claim language only requires "at least one user profile," meaning that when there is only one user profile, and that user profile is always used, then the user profile is always selected.);

accessing, by the at least one telecommunications terminal, at least one of the connected telecommunications services (RFC2778: Page 4, step 3b; page 9, access rules, page 6, and Page 12, presentity. The presentity connects to the presence server to declare the status of the presence server. Information of the presentity is stored in a "Presence Tuple" at the presence server.);

determining, by the service mediation server a state of connectability of the user based on whether at least one telecommunications terminal is connected to the service mediation server, and the active user profile and availability mode (RFC2778: Page 2, Section 2.1);

transmitting, from the service mediation server to the at least one
telecommunications terminal, the state of connectability of contacts in a list that is part
of the active user profile of the user (RFC2778: Page 3 and Page 9, section 2.7. The
terminal is notified of the status of any presentities that the terminal subscribed to.); and

transmitting, for each event received from a telecommunications service, an
event notification from the service mediation server to a telecommunication service
having specified that the telecommunications service is to be notified of the event
(RFC2778: Page 3, Figure 1, and page 1, section 1. The services that subscribed to a
presentity is notified of the presentity's status when the status changes.).

RFC2778 does not appear to specifically disclose defining information about the
at least one telecommunications terminal of the user, the information including a
capacity of the at least one telecommunications terminal.

However, Liscano teaches role-based presence information (Liscano: Abstract).
The role shows the capacity that the user is acting in (Liscano: Column 4, lines 1-6). As
The user's presence can only be detected through a terminal, the role of the user is
equivalent to the capacity of the terminal.

Accordingly, it would have been obvious to modify RFC2778 to allow for the
defining of information about the at least one telecommunications terminal of the user,
the information including a capacity of the at least one telecommunications terminal.

The suggestion/motivation for doing so would have been that by allowing the
user's role, and thus the capacity of the terminal, to be defined, presence information
can be subscribed to based on this information. For example, if a user is at work, the

user may not be available in a personal role, but would be available in some sort of

professional role. Meanwhile, a user at home may not be available in the professional

role, but would be available in a personal role. By allowing this role information to be

defined, the user may express availability based on what kind of tasks and

communications the user is able to perform without having the user establish different

profiles for each role.

7.   With regard to claim 3, RFC2778 as modified by Liscano teaches that each

availability mode defined by a user also includes availability rules specifying periods in

which the availability mode is active (RFC2778: Page 9, "ACCESS RULES").

8.   With regard to claim 4, RFC2778 as modified by Liscano teaches that the state of

connectibility of each user determined by the mediation server can be in one of the

following states:

        connectable if the active availability mode for the user is in the available state

and if at least one user terminal is connected to the service mediation server (RFC2778:

Page 5, Section 2.4. If the user is connected to the mediation server (presence server),

and the user is reported as online, the user is connectible. Further, to anticipate the

instant claim, only one of the states needs to be disclosed, as the claim states, "the

connectability state"..."can be in **one** of the following states."),

        not connectible if no user is connected to the mediation server (RFC2778: Page

5, section 2.4),

access to the connectability state subject to authorisation if the user wants

his/her connectability state to be provided to other users only with his/her prior

authorisation,

in transfer if the user specified that incoming calls intended for him/her must be

transferred to a call number specified in the active availability mode (RFC2778: Page 5,

section 2.4. It is noted that the "call number" does not have to be different than the

standard call number of the user. Thus, the online state meets this limitation.),

unknown if the requested user is not registered with the service mediation server

or if he/she does not want his/her connectability state to be accessible.

9.   With regard to claim 5, RFC2778 as modified by Liscano teaches that the

transmission of event notifications by the service mediation server is carried out upon

request of each connected service (RFC2778: Page 3. The presentities and watchers

have to connect to the presence server, and the watchers have to request the

information.).

10.   With regard to claim 16, the instant claim is substantially similar to claim 1, and is

rejected for substantially similar reasons.

11.   With regard to claim 17, RFC2778 as modified by Liscano teaches an

identification/authentication module adapted to identify and authenticate users that

attempt to access the service mediation system or select a telecommunications system

(RFC2778: Page 6. The users are at least identified by the presence tuple.).

12.   With regard to claim 18, RFC2778 as modified by Liscano teaches an interface

module (RFC2778: Page 8. The presence service is accessed via the network,

meaning that the system executing the presence service includes some interface to the

network) adapted:

       to provide access to the telecommunications server by the at least one

telecommunications network (RFC2778: Page 8. The presence service is accessed by

the network.),

       and to receive processing requests from the at least one telecommunications

services or users (RFC2778: Page 8. The presence service receives requests for the

presence and receives status updates.),

       to retransmit the processing requests to a component of the telecommunications

server responsible for performing a requested operation (RFC2778: Page 8. The

interface receives the request via the network, and transmits it to the program that

executes the service.), and

       to transmit a response from the component of the telecommunication server in

response to the processing request (RFC2778: Page 8. The interface receives the

response to the request and transmits it to the destination.).

13.   With regard to claim 22, RFC2778 teaches that the at least one

telecommunication network is selected from the group consisting of: a terrestrial

telephone network, a cellular telephone network, and a computer network (the network

of RFC2778 at least constitutes a "computer network.").

14.   With regard to claim 23, the instant claim includes subject matter that is

substantially similar to that found in claim 1, and is rejected for substantially similar

reasons.

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

16.   Claims 2, 6, and 19-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over RFC2778.

17.   With regard to claim 2, RFC2778 as modified by Liscano teaches that each

availability mode defined by a user includes:

        an availability state capable of having the values of available, not available, in

call transfer to a specified call number (RFC2778: Page 5, Section 2.4. "in call transfer

to a specified call number," as claimed, does not require that the number is a different

number than the user's normal number. Thus, the user's regular number, and thus

"available" is equivalent to "in call transfer to a specified call number," as the presence

is with respect to a "specific call number," and any call that is made is transferred to the

destination.),

an optional terminal identifier to which an incoming call intended for the user is

transferred (RFC2778: Page 5, Section 2.4. First, the term "optional" means that this

limitation is not required to anticipate or teach the instant claim. Second, the call is

transferred to the user's contact address.),

an event notification mode (RFC2778: Page 14, watcher and watcher

information).

RFC2778 does not appear to disclose expressly:

an availability list capable of having the values of an unknown number if the user

does not want his/her availability state to be accessible, and

a list of contacts to which the availability state applies.

However, Official Notice (see MPEP 2144.03) is taken that a person of ordinary

skill in the art would have known how to allow the user to be "invisible" to other users

(an availability list capable of having the values of an unknown number if the user does

not want his/her availability state to be accessible) and have different availabilities for

different contacts (a list of contacts to which the availability state applies).

Thus, it would have been obvious to have: an availability list capable of having

the values of an unknown number if the user does not want his/her availability state to

be accessible, and a list of contacts to which the availability state applies in the

disclosure of RFC2778.

The suggestion/motivation for doing so would have been that many user's prefer to have some control over their settings to allow for privacy. Thus, a user may wish to be "invisible," thus not allowing the user's state to be known, or have different states for different users. The different states for different users allows some other users to essentially be blocked, where the user does not wish to be contacted by the other users, yet desirable users would still see the user as being available. It is noted that some collaboration tools on the market already perform this functionality, such as AOL Instant Messenger, where users may be blocked (thus reporting the user of the system as being unavailable), or allows the user to be invisible (which allows the user to be online without the user's status being known to others).

18.   With regard to claim 6, RFC2778 as modified by Liscano teaches that the transmission of an event notification by the service mediation server is performed upon receipt of the event if the service is connected (RFC2778: Page 3, Figure 1. However, RFC2778 does not appear to disclose expressly that otherwise, the event is stored in a log and is notified to the service when the latter connects to the service mediation server.

However, Official Notice is taken a person of ordinary skill in the art would have known how to store a message for a user when the user is not connected for later delivery.

Thus, it would have been obvious to have the event is stored in a log and is notified to the service when the latter connects to the service mediation server.

The suggestion/motivation for doing so would have been that even notifications intended for the service can be delivered to the service when the service is temporarily disabled.

19.   With regard to claim 19, RFC2778 as modified by Liscano teaches the invention as substantially claimed except that the interface module comprises a plurality of duplicate components to provide fault tolerance.

However, Official Notice is taken that utilizing duplicates to allow for fault tolerance was well known in the art.

Accordingly, it would have been obvious to include a plurality of duplicate components to provide fault tolerance.

The suggestion/motivation for doing so would have been that providing duplicate components allows one of the duplicates to be utilized in situations where a component fails. This allows the service to continue to be operational even when a component fails.

20.   With regard to claim 20, RFC2778 teaches as modified by Liscano teaches an access monitor including:

a component configured to connect and disconnect a telecomunications terminal to the telecommunications server (RFC2778: Page 3 and page 8. The user can connect their terminal to the mediation server and disconnect it.),

a component configured to connect and disconnect a telecommunications service and the telecommunications server (RFC2778: Page 3, page 8. The user can connect to the mediation server as a watcher.),

a component configured to select a user profile and an availability mode in the user profile to be activated, means for selecting events of which the user wants to be notified of the appearance (RFC2778: Section 2.1. The presentities report their status to the server, and provides the information included in the presence tuple on page 6.), and

a component configured to select a telecommunications terminal to receive an incoming call (RFC2778: Page 6, contact address).

However, RFC2778 does not appear to disclose expressly:

a component configured to manage, in real time, the telecommunications services activated for the user.

However, RFC2778 does appear to be intended to be implemented on computer systems. It is noted that a computer system manages, in real time, applications and services that are being used by a user.

Thus, it would have been obvious to have means for managing, in real time, the various services activated for the user in the disclosure of RFC2778.

The suggestion/motivation for doing so would have been that managing services in real time on a user's computer system allows the computer system to be responsive to changing conditions in the services, and thus allows the computer to execute the services in an efficient manner.

21.   With regard to claim 21, RFC2778 as modified by Liscano teaches the invention

as substantially claimed but does not expressly disclose that the plurality of

telecommunications terminals is selected from the group consisting of: a personal

computer, a personal digital assistant (PDA), a cellular telephone, and a wire telephone.

        However, Official Notice is taken that personal computers for instant messaging

were very well known in the art.

        Thus, it would have been obvious to utilize a personal computer as the

telecommunications terminal of RFC2778.

        The suggestion/motivation for doing so would have been that RFC2778 was

most likely drafted with a personal computer in mind, and a person of ordinary skill in

the art would have recognized that a personal computer would most likely be utilized by

the user for the disclosure of RFC2778.

Claim Rejections - 35 USC § 103

22.   Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

RFC2778 in view of Liscano, and further in view of Parson et al. in US 2002/0085701,

hereafter referred to as "Parsons."

23.   With regard to claim 24, RFC2778 as modified by Liscano the invention as

substantially claimed except that the defining comprises defining a plurality of user

profiles.

However, Parsons discloses a method that allows a user to define different profiles that define the communication and messaging options presented to incoming callers in each presence context (Parsons: Paragraph [0010]). The contexts include states such as "at the desk," "business travel," etc. (Parsons: Paragraph [0046]). They have the function of presenting different statuses for different devices based on the status associated with the profile.

Accordingly, it would have been obvious to utilize the multiple profiles of Parsons with the presence information of RFC2778.

The suggestion/motivation for doing so would have been that having multiple profiles allows a user to easily modify the status of a plurality of devices based on the user's specific status. For example, when a user is in a meeting, the system would set up a users devices to be in a meeting, where only text messages and e-mail may be marked as being online, but phone may be labeled as being offline. When the meeting ends, rather than the user changing the status of each of the three communication means separately, the user can instead change the status to another status, such as "at the desk," where all three means may be marked as being online. Further, having the statuses of each device change based on the user's current context, the user is less likely to forget to change the status of one device, thus resulting in a missed communication or other problems (such as a mobile phone call while in a meeting.).

24.   With regard to claim 25, RFC2778 as modified by Liscano and Parsons, and

applied to claim 24, above, teaches the invention as substantially claimed except the

plurality of user profiles include a personal profile and a professional profile.

        However, Parsons does disclose that some of the profile options includes "off

duty" and "at desk" (Parsons: Paragraph [0046]). Thus, the user's profiles correspond

to at least business hour profiles (professional profiles) and off duty profiles (personal

profiles).

        Thus, it would have been obvious to utilize the personal and professional profiles

of Parsons with the method of RFC2778.

        The suggestion/motivation for doing so would have been that during professional

hours, the user may wish to not be interrupted except by family members, and focus on

work, while during personal time, the user may wish to have all non-business contacts

able to call, but be marked offline for business contacts, thus allowing the user to

separate their personal and professional lives, and not be interrupted in one or the

other. Thus, by allowing the user to switch to a personal mode or professional mode

allows the user to utilize the same devices (e.g. mobile phone or text messaging) at all

times, and easily switch from being at work to being at home.

25.   With regard to claims 26-27, the instant claims are substantially similar to claims

24-25, and are rejected for substantially similar reasons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./
Examiner, Art Unit 2444
/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444